

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6603

BILL NUMBER: SB 156

NOTE PREPARED: Jan 24, 2012

BILL AMENDED: Jan 23, 2012

SUBJECT: Partition.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR: Rep. Koch

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: No Fiscal Impact

Summary of Legislation: (Amended) This bill establishes a new procedure for partitioning real and personal property that: (1) requires a court to refer the matter to mediation; and (2) requires the court to order that the property be sold at auction if the parties are not able to reach an agreement. It requires the court to rescind its order to sell the property at auction if the parties in dispute inform the court that they wish to sell some or all of the property through a real estate agent. It repeals superseded provisions.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill would simplify the current process of dividing land and personal property that is held by more than one person.

Mediation is an informal process in which a neutral third party – known as a mediator – helps two or more parties reach an agreement on some or all of the parties’ differences. In the mediation process, the mediator helps the parties identify important issues, clarify misunderstandings, explore solutions, and negotiate a settlement rather than having a trial. In mediation, decision-making by the parties must be voluntary, so only those issues upon which both parties can agree will be included in the settlement.

Generally, the parties select a mediator of their own choice and agree on the method of compensating the

mediator. Usually, the mediator's fee will be shared equally by the parties.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts with probate jurisdiction.

Information Sources: <http://www.in.gov/judiciary/selfservice/mediators.html>

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